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on August 21, 2002
Wayne L. Jacobs Reg. 35,553 Date 8/21/2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 10/021,665
Filed: December 7, 2001
Group Art Unit: 2171
Examiner:
Applicant: Bradley J. Dickey, Rodger A. Jones, Chris Lowery
and Darryl M. Maslar
Title: PET CARE PRODUCTS AND METHOD OF PROVIDING PET
CARE PRODUCT SERVICES AND INFORMATION

Cincinnati, Ohio 45202

August 21, 2002

Assistant Commissioner of Patents
Box DAC
Washington, D.C. 20231

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Sir:

RESPONSE TO DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(a)

In response to the Decision Refusing Status Under 37 C.F.R. §1.47(a) mailed July 29, 2002 in the above-captioned patent application (copy enclosed), Applicants state that inventor Rodger A. Jones, the inventor whose signature was not obtainable previously, has signed the Declaration, Power of Attorney And Petition as a co-inventor of the above-captioned application. Please find enclosed herewith the executed copy of the Declaration signed by co-inventor Rodger A. Jones. This Declaration was signed by Rodger A. Jones on May 22, 2002, but was received in the office of the undersigned after Applicants had mailed the Petition Under 37 C.F.R. §1.47 on July 8, 2002 and just prior to receiving the Decision Refusing Status Under

37 C.F.R. §1.47(a) on August 1, 2002. Therefore, Applicants believe that with this filing all requirements of the Notice To File Missing Parts dated January 8, 2002 have been satisfied.

Applicants believe that no fee is due in connection with the filing of this Response To Decision Refusing Status Under 37 C.F.R. §1.47(a). However, in the event that any fee is due, please charge deposit account 23-3000.

Respectfully submitted,

WOOD HERRON & EVANS, L.L.P.

By: 

Wayne L. Jacobs
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WOOD, HERRON & EVANS, L.L.P.
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Cincinnati, OH 45202

Paper No. 4
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JUL 29 2002

In re Application of
Dickey, et al.
Application No. 10/021,665
Filed: December 7, 2001
Docket No.: HILB / 723C1
For: PET CARE PRODUCTS AND METHOD
OF PROVIDING PET CARE PRODUCTS,
SERVICES AND INFORMATION

OFFICE OF PETITIONS
DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed July 15, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 7, 2001 without an executed oath or declaration and naming Bradley J. Dickey, Rodger A. Jones, Chris Lowery, and Darryl M. Maslar as joint inventors. Accordingly, on January 8, 2002, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 USC 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition lacks requirement (2) stated above. The instant petition is not accompanied by an oath or declaration executed by the available inventors on behalf of themselves and the non-signing inventor. Any renewed petition must be accompanied by an oath or declaration in full compliance with 37 CFR 1.63 and/or 37 CFR 1.64.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC

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Application No. 10/021,665

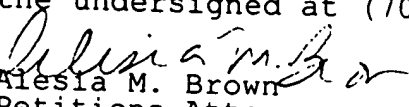
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Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.


Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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